



United States Department of the Interior

BUREAU OF LAND MANAGEMENT

Vale District Office
100 Oregon Street
Vale, Oregon 97918

IN REPLY REFER TO:

4190 (ORV000)

HMY7

OCT 28 2013

Dear Interested Public:

NOTICE OF FIELD MANAGER'S FINAL DECISION CURRY CANYON FIRE ESR PLAN

BACKGROUND

During the summer of 2013, several lightning caused fires burned within the Vale District, Bureau of Land Management (BLM), including the Curry Canyon Fire. It ignited on July 1, 2013, and was contained on July 2, 2013. The fire burned a total of 2,575 acres (See Map 1). It burned 2,513 acres of land administered by the BLM and 62 acres of private land. The burn is located approximately five miles northwest of Juntura, Oregon. An Emergency Stabilization and Rehabilitation (ES&R) plan was completed for the entire burn.

There are no areas classified as Preliminary Priority Habitat (PPH) or Preliminary General Habitat (PGH) for Greater Sage-grouse. There are no known Greater Sage-Grouse leks in the fire area. There are no Special Management Areas within the fire area.

Within a week of the containment date of the fire, the Vale District assembled an interdisciplinary (ID) team of specialists and within 21 days of containment, this ID team developed an Emergency Stabilization and Rehabilitation Plan (hereafter referred to as the Plan) containing several treatments necessary for the stabilization and rehabilitation of the burned area within the Vale District.

The ES&R Plan was submitted for approval and funding to the BLM's Washington Office (WO) through the Emergency Stabilization and Rehabilitation System (ESRS). The ES&R Plan was approved by the WO on August 16, 2013.

INTRODUCTION

Between July 1, 2013, and July 2, 2013, the Curry Canyon Fire burned 2,513 acres of public land administered by BLM and 62 acres of private land.

The Curry Canyon Fire burned within the following grazing allotments: 2,067 acres (15%) of the Whitley Canyon Allotment (#10216), 482 acres (6%) of the Allotment #6 Allotment (#10204), and 24 acres (0.03%) of the Black Butte Allotment (#00304). The chart below shows the amount in acres of the allotments that burned (see Map 2).

ALLOT NUM	ALLOTMENT NAME	ALLOT ACRES	ACRES BURNED	ALLOTMENT % BURNED
10216	Whitley Canyon	13,982	2,067	15%
10204	Allotment #6	7,421	482	6%
00304	Black Butte	73,173	24	.03%

COMPLIANCE

The Plan was prepared under the guidance of and is consistent with the Burned Area Emergency Stabilization and Rehabilitation Handbook H-1742-1. The treatments in the Plan are the same as the proposed actions described in the Vale District Normal Emergency Stabilization and Rehabilitation Plan (NFESRP) Environmental Assessment (EA) # OR-030-05-005. The EA was completed in 2005. The EA analyzed the potential impacts to implementing the proposed action and alternatives and determined there would not be a significant impact to the human environment and prepared a Finding of No Significant Impacts (FONSI) Decision Record.

Because the treatments analyzed in the NFESRP EA are the same as the Plan, BLM compared the Plan with the analysis found in the NFESRP EA and determined that the analysis was sufficient and new NEPA analysis was not necessary. BLM documented this review and prepared a Determination of NEPA Adequacy (DNA) # DOI-BLM-OR-V040-2013-051 prior to the approval of the Plan and the issuance of this decision. The NFESRP EA and FONSI and the DNA documents can be viewed at: <http://www.blm.gov/or/districts/vale/plans/index.php>. If you wish to receive hard copies of these documents, they are available upon request at the Vale District Office, (541) 473-3144.

The treatments described in the Plan, as analyzed in the Vale District NFESRP EA, is consistent with the Southeastern Oregon Resource Management Plan/Environmental Impact Statement and Record of Decision, Sept. 2002. The Plan's treatments have been designed to conform to the following documents, which direct and provide the framework for management of BLM lands within Vale District:

- Federal Land Policy and Management Act (43 U.S.C. 1901), 1978
- The National Environmental Policy Act (42 U.S.C. 4320-4347), 1970
- Southeastern Oregon Resource Management Plan and Record of Decision (2002)
- Taylor Grazing Act (43 U.S.C. 315), 1934
- Vale District Normal Emergency Stabilization and Rehabilitation Plan (NFESRP) Environmental Assessment (EA) # OR-030-05-005.
- August 12, 1997 Standards for Rangeland Health and Guidelines for Livestock Management for Public Lands, Administered by the BLM in the States of Oregon and Washington
- 2007 Vegetation Treatments Using Herbicides on BLM Lands in 17 Western States ROD
- 2010 Vegetation Treatments Using Herbicides on BLM Lands in Oregon ROD
- Greater Sage-Grouse and Sagebrush-steppe Ecosystems Management Guidelines (BLM-2000)
- National Historic Preservation Act (16 U.S.C. 470)

- Programmatic Agreement Among USDI BLM, the Advisory Council on Historic Preservation and the Oregon State Historic Preservation Officer Regarding the Identification, Evaluation, and Treatment of Historic Properties Managed by the BLM, Oregon State Office, Throughout the State of Oregon
- Executive Order 12372, Intergovernmental Review
- Executive Order 13112, Invasive Species
- BLM National Sage-grouse Habitat Conservation Strategy (2004)
- Instruction Memorandum WO-2012-043, Greater Sage-Grouse Interim Management Policies and Procedures issued December 22, 2011
- A Report on National Greater Sage-Grouse Conservation Measures, Produced by: Sage-grouse National Technical Team, December 21, 2011
- Greater Sage-Grouse Conservation Assessment and Strategy for Oregon: A plan to Maintain and Enhance Populations and Habitat; ODFW, April 22, 2011
- State, local, and Tribal laws, regulations, and land use plans
- SEORMP Settlement Agreement (Case 05-35931, June 10, 2010) between Vale District BLM and Oregon Natural Desert Association (ONDA) resulting from Ninth Circuit Court of Appeals decision (*ONDA v. BLM*, 625 F.3d 1092 (9th Cir. 2010)).
- BLM Manual 6330, Management of BLM Wilderness Study Areas, July 13, 2012
- Instruction Memorandum WO-2011-154, Requirement to Conduct and Maintain Inventory Information for Wilderness Characteristics and to Consider Lands with Wilderness Characteristics in Land Use Plans.
- Endangered Species Act (16 U.S.C. 1531-1544) , 1973

FINAL DECISION

I have determined that the vegetation, soil, and other resources on the public lands are at immediate risk of erosion and other damage due to the 2013 Curry Canyon wildfire. This decision is effective immediately due to the soils susceptibility to accelerated erosion because of the effects of the wildfire. The depleted vegetation is not expected to provide soil and watershed protection within the next two years. The burn area is vulnerable to the expansion or invasion by highly competitive noxious and/or invasive annuals, biennials, and perennial weeds.

DNA # DOI-BLM-OR-V040-2013-051 addressed the treatments identified in the Plan and I have determined that it was consistent with the analysis in the NFESRP EA and FONSI. The treatments listed in the ES&R Plan are listed below.

I have determined that implementing the Plan's treatments as analyzed in the NFESRP EA did not require the preparation of an environmental impact statement, as set out in the FONSI.

I have determined that implementation of the treatments described in Plan does not constitute a major Federal action that will adversely impact the quality of the human environment. Therefore, an Environmental Impact Statement is not necessary and will not be prepared.

Based on analysis, comments from the public and input from my staff, it is my final decision to implement the treatments listed in the Plan and summarized below.

My decision is issued under 43 Code of Federal Regulations (CFR) § 4190.1(a), which states:

Notwithstanding the provisions of 43 CFR 4.21(a) (1), when BLM determines that vegetation, soil, or other resources on the public lands are at substantial risk of wildfire due to drought, fuels buildup, or other reasons, or at immediate risk of erosion or other damage due to wildfire, BLM may make a rangeland wildfire management decision effective immediately or on a date established in the decision.

PLAN TREATMENTS

Below is a table of the projects that have been identified to stabilize and rehabilitate lands affected by Curry Canyon Fire. Maps of the treatment locations are also attached.

Treatments	Amount or scope	Implementation year ¹
Noxious weed inventory	2,513 acres	2014-2016
Noxious weed treatment	50 acres	2014-2016
Aerial Seeding (Map 3)	2,000 acres	2014-2015
Repair existing fences (Map 4)	4 miles	2015

RATIONALE

Survey and treat noxious weeds

There are scattered populations of noxious weeds in the burn area and general vicinity of the fire, including whitetop species (*Lepidium ssp*) and Scotch thistle (*Onopordum acanthium*). Invasive species, including cheatgrass (*Bromus tectorum*) and medusahead rye (*Taeniatherum caput-medusae*) are also present within the burn area, primarily at the lower elevations.

In the absence of competition, the burn area would be extremely vulnerable to expansion or invasion by any of these highly competitive noxious and/or invasive annuals, biennials, and perennial weed species. Weed control within the burn area would help prevent invasive/noxious species from dominating the site.

Noxious weed inventory and treatment would help to control existing populations, help discover new populations, and reduce the risk of further establishment of noxious weeds. Initial treatments would begin in FY 2014; in FY 2015 and 2016, the noxious weeds inventory and treatment would be included as a rehabilitation treatment. Chemical treatment of noxious weed populations and closing the area to livestock would reduce the likelihood of their spread to new unoccupied areas and help to re-establish higher quality vegetation. Noxious weeds also threaten adjacent private range and agricultural lands. Furthermore, noxious weed infestations have little to no value to wildlife or livestock and are considered one of the greatest threats to loss of sage-grouse habitat.

Noxious weeds are the first plants to reestablish following a wildfire and take advantage of the vulnerability of the fire weakened and stressed desired species. The objective of the noxious weed treatment and survey is to continue treating previously known infestation sites and identify and treat

¹ The year in which these treatments will be implemented is subject to funding availability.

new sites to halt the spread of noxious weeds in the burned area. The identified weeds are present in the burned area and if not treated, are expected to increase due to the removal of existing vegetation by the Curry Canyon Fire. Past treatments in the area have been relatively successful and by continuing to inventory and treat infestation and introductory sites the frequency of noxious weeds is expected to be reduced.

Noxious weed treatments would be consistent with the guidelines set forth in the ESR handbook (1742-1, pages 34–35), the SEORMP&ROD (page 41), 2002, the Vale District Integrated Weed Control Plan EA (1989), the Northwest Area Noxious Weed Control Program EIS 1984, and Supplement, 1987 and the Standard Operating Procedures and Mitigation Measures identified in the Vegetation Treatments Using Herbicides on BLM Lands in Oregon FEIS and ROD (2010). Pesticide Use Proposals (plans) would be prepared for weeds treatments and comply with policy (BLM Manual 9011, H-9011, and 9015).

Repairing livestock management fence

Approximately four miles of livestock management fences were damaged by the fire (Map 4). Most of these fences were constructed of steel posts and barbed wire that were not damaged by the fire. However, many of the corners, stretch panels and gate posts were constructed of wood. Many of these wooden posts burned in the fire and will be replaced. Instead of using wood, they will be replaced with steel posts or something similar, such as angle iron or rock cribs, so that they will not be damaged by any wildfires that may occur in the future.

The repair of livestock management fences is a proposed action and adequately analyzed in the NFESRP EA, (page 12). The Proposed Action, Repair/Replace Minor Facilities Essential to Public Health and Safety section, states that repair or replacement of minor facilities such as structural damage to recreational facilities, fences, gates, watering troughs, wildlife guzzlers and livestock handling facilities that were damaged by fire may be repaired under rehabilitation. On page 11 of the NFESRP EA, under the Proposed Action, Protective Fence section, it states that the success of natural recovery or re-vegetation often depends on exclusion of grazing. Also, gates, cattleguards, fences, and other control features would be repaired and /or constructed as needed to protect treatments during the recovery period.

The SEORMP Rangeland/Grazing Use objective is to: Provide for a sustained level of livestock grazing consistent with other resource objectives and public land use allocations. Management actions listed to meet this objective include maintaining existing structural rangeland projects where beneficial to livestock and other resource values (page 59).

Closing the burned area to livestock

This final decision does not close any burned areas to livestock grazing or otherwise affect the grazing privileges of any of the holders of livestock grazing permits. A separate grazing decision(s) or agreement(s) will be issued, as necessary, by BLM to address the exclusion of livestock as a result of the Curry Canyon Fire. Any grazing closure decisions will have a separate and different appeal process.

Aerial Seeding

Approximately 2,000 acres within the fire area will be aerial seeded with native plants (Map 3). The proposed seed mix includes the following species (depending upon availability) basalt

milkvetch, Lewis flax, bluebunch wheatgrass, Great Basin wildrye, Sandberg bluegrass, antelope bitterbrush, bottlebrush squirreltail, Idaho fescue, and Wyoming big sagebrush.

This project is necessary because the burn area is at the threshold for conversion to an annual grassland community. The surviving deep-rooted perennial grasses are not dense enough to prevent the encroachment of annual grasses. The majority of the seed to be applied will come from local collections from the Vale District.

The method of application will also utilize agglomeration, a process that uses a binding agent around multiple seeds. The seeds will be bound together into a pellet that contains a compound to absorb moisture. Applying the pellets aerially will allow for greater accuracy to ensure the seed falls within the treatment area. There will be less chance for wind to divert the seed outside the treatment area.

WO IM No. 2012-043 instructs BLM to prioritize re-vegetation projects in ES&R plans to: (1) maintain and enhance unburned intact sagebrush habitat when at risk from adjacent threats; (2) stabilize soils; (3) reestablish hydrologic function; (4) maintain and enhance biological integrity; (5) promote plant resiliency; (6) limit expansion of dominance of invasive species; and (7) reestablish native species.

The aerial seeding is discussed under the proposed action section and is adequately analyzed in the NFESRP EA.

The SEORMP rangeland vegetation decision objective is to: Restore, protect, and enhance the diversity and distribution of desirable vegetation communities including perennial native and desirable introduced plant species and provide for their continued existence and normal function in nutrient, water, and energy cycles (page 38 & 39). It states that, "Management actions authorized or implemented by BLM will influence future vegetation composition. These actions may include...emergency fire rehabilitation."

RIGHT OF APPEAL

This decision may be appealed to the Interior Board of Land Appeals, Office of Hearings and Appeals, in accordance with the regulations contained in 43 CFR, Part 4 and Form 1842-1. If an appeal is filed, your notice must be filed in the Vale District Office, 100 Oregon Street, Vale, Oregon, 97918 within 30 days of receipt. The appellant has the burden of showing that the decision appealed is in error.

Filing an appeal does not by itself stay the effectiveness of a final BLM decision. If you wish to file a petition for a stay of the effectiveness of this decision, pursuant to 43 CFR 4.21, the petition for stay must accompany your notice of appeal. If you request a stay, you have the burden of proof to demonstrate that a stay should be granted.

A petition for stay is required to show sufficient justification based on the standards listed below.

Standards for Obtaining a Stay

Except as otherwise provided by law or other pertinent regulation, a petition for a stay of a decision pending appeal shall show sufficient justification based on the following standards:

1. The relative harm to the parties if the stay is granted or denied.
2. The likelihood of the appellant's success on the merits.
3. The likelihood of immediate and irreparable harm if the stay is not granted.
4. Whether or not the public interest favors granting the stay.

A notice of appeal electronically transmitted (e.g. email, facsimile, or social media) will not be accepted as an appeal. Also, a petition for stay that is electronically transmitted (e.g., email, facsimile, or social media) will not be accepted as a petition for stay. Both of these documents must be received on paper at the office address above.

Persons named in the Copies sent to: sections of this decision are considered to be persons "named in the decision from which the appeal is taken." Thus, copies of the notice of appeal and petition for a stay must also be served on these parties, in addition to any party who is named elsewhere in this decision (see 43 CFR 4.413(a) & 43 CFR 4.21(b)(3)) and the appropriate Office of the Solicitor (see 43 CFR 4.413(a), (c)) at the same time the original documents are filed with this office. For privacy reasons, if the decision is posted on the internet, the Copies sent to: section will be attached to a notification of internet availability and persons named in that section are also considered to be persons "named in the decision from which the appeal is taken."

Any person named in the decision, Copies sent to: section of the decision, or who received a notification of internet availability that receives a copy of a petition for a stay and/or an appeal and wishes to respond, see 43 CFR 4.21(b) for procedures to follow.

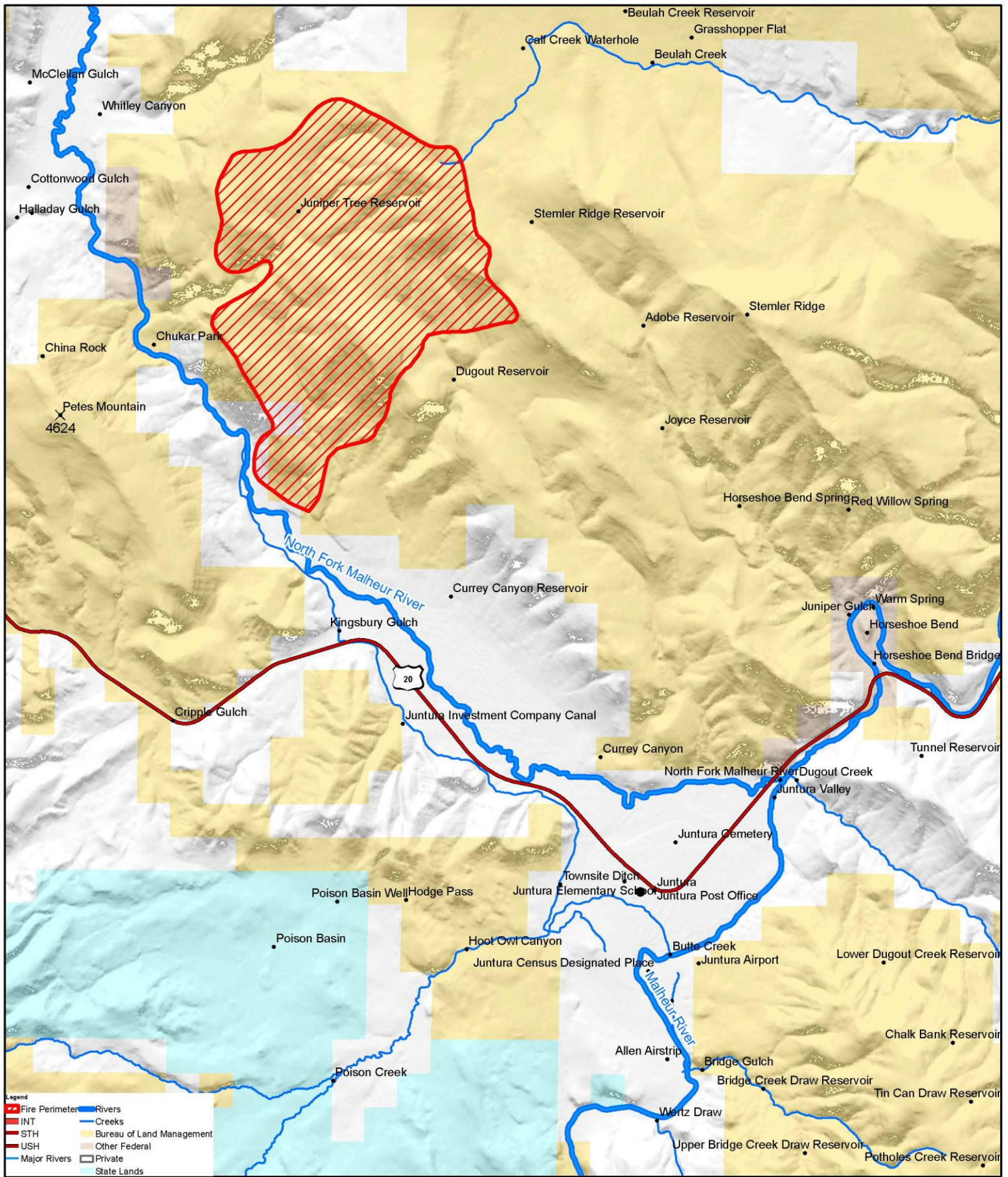
Sincerely,



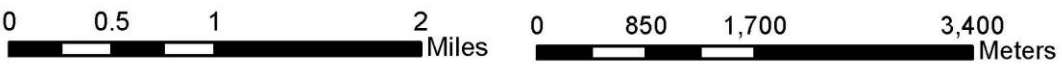
Thomas Patrick "Pat" Ryan
Field Manager
Jordan/Malheur Resource Areas

cc:

Copies Sent to: see Notice of Internet Availability



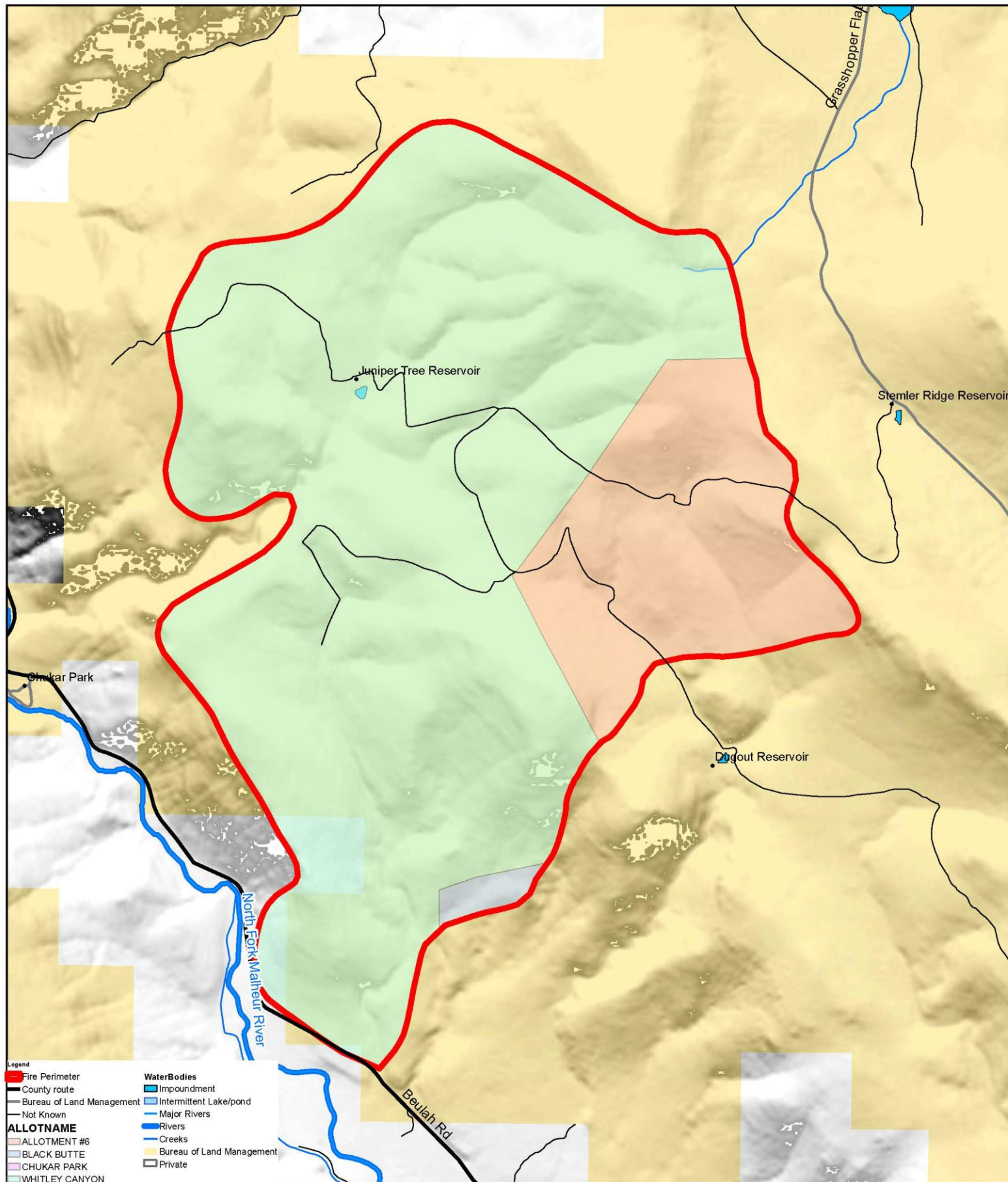
Map 1 - Vicinity
Curry Canyon Fire Acres = 2,574



U.S. Department of Interior
 Bureau of Land Management

Vale District
 9/27/2013

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Map 2 - Allotments

Curry Canyon Fire Acres = 2,574

Chukar Park Allotment Burned Acres = 0.18

Black Butte Allotment Burned Acres = 24

Allotment #6 Burned Acres = 482

Whitley Canyon Allotment Burned Acres = 2,067

0 0.25 0.5 1 0 335 670 1,340
Miles Meters

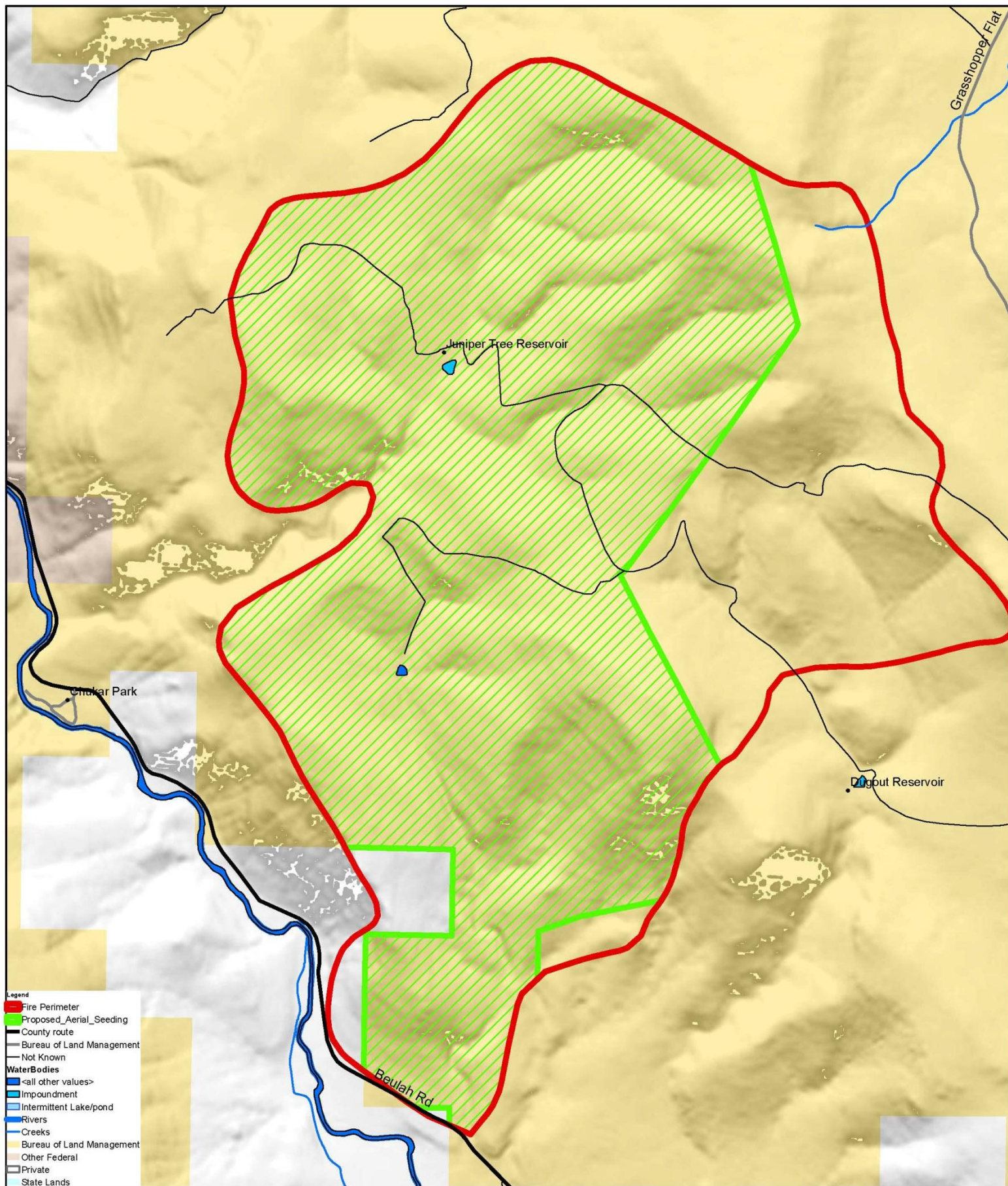


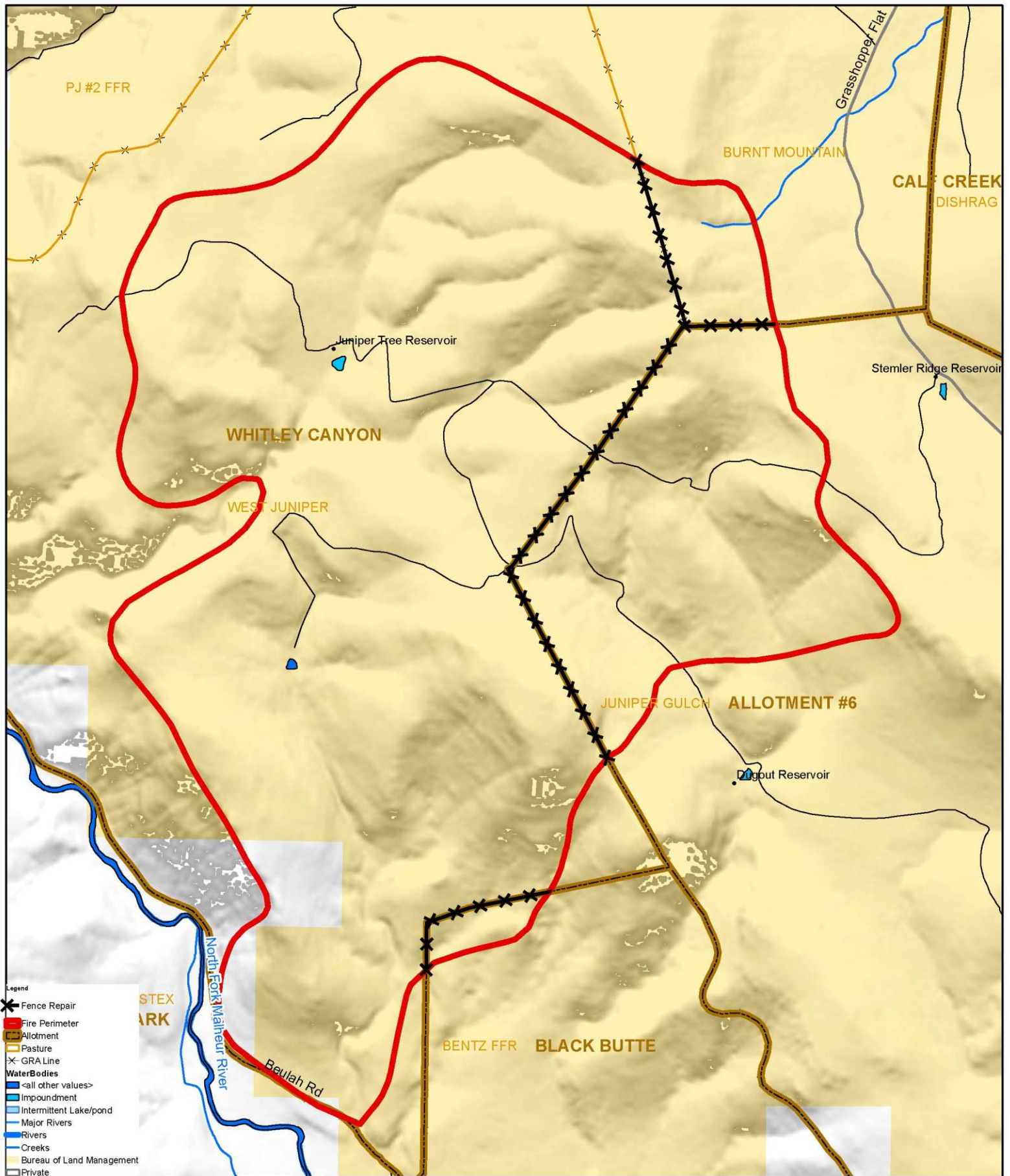
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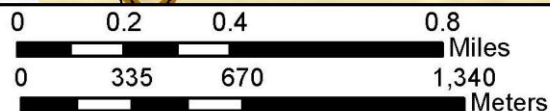
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Map 4 - Fence Repair
 Juniper West Miles = 1.7
 Burnt Mountain = 0.5
 Bentz FFR = 0.5



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Vale District
 10/21/2013

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